

REPORT OF THE COMMITTEE ON ZONING AND PLANNING

Voting Members:

Ikaika Anderson, Chair; Breene Harimoto, Vice-Chair;
Ann H. Kobayashi, Ron Menor, Kymberly Marcos Pine

Committee Meeting Held
April 24, 2014

Honorable Ernest Y. Martin
Chair, City Council
City and County of Honolulu

Mr. Chair:

Your Committee on Zoning and Planning, to which was referred Bill 37 (2014) entitled:

"A BILL FOR AN ORDINANCE RELATING TO GRADING WITHOUT A PERMIT,"

which passed First Reading at the April 16, 2014 Council meeting, reports as follows:

The purpose of Bill 37 (2014) is to amend the city's regulations for grading without a permit, and specifically to set forth corrective action for parties who willfully perform grading without a permit.

Councilmember Pine, the introducer of the Bill, explained that the Bill is intended to address illegal grading and dumping.

The Director and Deputy Director of Planning and Permitting testified that the Department is generally in support of the Bill as it provides the Department with another tool to enforce the grading regulations. The Department is concerned, however, that it may be difficult to determine if a violation is "willful" and as a result will likely make determinations of willful violations sparingly. In addition, the DPP Director testified that the Bill may have unintended consequences because it prohibits the DPP from granting after-the-fact permits. In some cases, such as during storms or an emergency, persons may knowingly perform grading or other earthwork without a permit to protect a home or

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HONOLULU, HAWAII

ADOPTED ON MAY 7 2014

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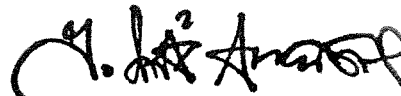
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structure. In such cases, the DPP currently may grant an after-the-fact permit if the work can be made to comply with the grading regulations.

Your Committee received testimony in support of the Bill from the Land Use Research Foundation, and five members of the public. Testimony in opposition to the Bill was received from the Hawaii Agriculture Research Center. Comments were received from two members of the public.

Your Committee on Zoning and Planning recommends that Bill 37 (2014) pass Second Reading, be scheduled for public hearing, and be referred back to Committee. (Ayes: Anderson, Kobayashi, Menor, Pine – 4; Noes: None; Excused: Harimoto - 1.)

Respectfully submitted,



Committee Chair

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